

ASSEMBLY BILL

No. 1520

Introduced by Committee on Judiciary (Assembly Members Mark Stone (Chair), Alejo, Chau, Chiu, Cristina Garcia, Holden, and O'Donnell)

March 10, 2015

An act to amend Section 51.7 of the Civil Code, and to repeal Section 1 of Chapter 1293 of the Statutes of 1976, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 1520, as introduced, Committee on Judiciary. Civil rights.

The Ralph Civil Rights Act of 1976 provides, in part, that all persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, on account of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation.

This bill would repeal the provision entitling the Ralph Civil Rights Act of 1976, and would instead state the findings of the Legislature that the above-described provision was enacted as part of the Ralph Civil Rights Act of 1976.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 51.7 of the Civil Code is amended to
2 read:
3 51.7. (a) All persons within the jurisdiction of this state have
4 the right to be free from any violence, or intimidation by threat of

1 violence, committed against their persons or property because of
2 political affiliation, or on account of any characteristic listed or
3 defined in subdivision (b) or (e) of Section 51, or position in a
4 labor dispute, or because another person perceives them to have
5 one or more of those characteristics. The identification in this
6 subdivision of particular bases of discrimination is illustrative
7 rather than restrictive.

8 (b) (1) A person shall not require another person to waive any
9 legal right, penalty, remedy, forum, or procedure for a violation
10 of this section, as a condition of entering into a contract for goods
11 or services, including the right to file and pursue a civil action or
12 complaint with, or otherwise notify, the Attorney General or any
13 other public prosecutor, or law enforcement agency, the
14 Department of Fair Employment and Housing, or any court or
15 other governmental entity.

16 (2) A person shall not refuse to enter into a contract with, or
17 refuse to provide goods or services to, another person on the basis
18 that the other person refuses to waive any legal right, penalty,
19 remedy, forum, or procedure for a violation of this section,
20 including the right to file and pursue a civil action or complaint
21 with, or otherwise notify, the Attorney General or any other public
22 prosecutor, or law enforcement agency, the Department of Fair
23 Employment and Housing, or any other governmental entity.

24 (3) Any waiver of any legal right, penalty, remedy, forum, or
25 procedure for a violation of this section, including the right to file
26 and pursue a civil action or complaint with, or otherwise notify,
27 the Attorney General or any other public prosecutor, or law
28 enforcement agency, the Department of Fair Employment and
29 Housing, or any other governmental entity shall be knowing and
30 voluntary, ~~and~~ in writing, and expressly not made as a condition
31 of entering into a contract for goods or services or as a condition
32 of providing or receiving goods and services.

33 (4) Any waiver of any legal right, penalty, remedy, forum, or
34 procedure for a violation of this section that is required as a
35 condition of entering into a contract for goods or services shall be
36 deemed involuntary, unconscionable, against public policy, and
37 unenforceable. Nothing in this subdivision shall affect the
38 enforceability or validity of any other provision of the contract.

39 (5) Any person who seeks to enforce a waiver of any legal right,
40 penalty, remedy, forum, or procedure for a violation of this section

1 shall have the burden of proving that the waiver was knowing and
2 voluntary and not made as a condition of the contract or of
3 providing or receiving the goods or services.

4 (6) The exercise of a person's right to refuse to waive any legal
5 right, penalty, remedy, forum, or procedure for a violation of this
6 section, including a rejection of a contract requiring a waiver, shall
7 not affect any otherwise legal terms of a contract or an agreement.

8 (7) This subdivision shall not apply to any agreement to waive
9 any legal rights, penalties, remedies, forums, or procedures for a
10 violation of this section after a legal claim has arisen.

11 (8) This subdivision shall apply to any agreement to waive any
12 legal right, penalty, remedy, forum, or procedure for a violation
13 of this section, including an agreement to accept private arbitration,
14 entered into, altered, modified, renewed, or extended on or after
15 January 1, 2015.

16 (c) This section does not apply to statements concerning
17 positions in a labor dispute that are made during otherwise lawful
18 labor picketing.

19 (d) *The Legislature finds and declares that this section was*
20 *enacted as part of the Ralph Civil Rights Act of 1976, in Chapter*
21 *1293 of the Statutes of 1976.*

22 (d)

23 (e) Nothing in this section shall be construed to negate or
24 otherwise abrogate the provisions of Sections 1668, 1953, and
25 3513.

26 SEC. 2. Section 1 of Chapter 1293 of the Statutes of 1976 is
27 repealed.

28 ~~SECTION 1. This act shall be known, and may be cited, as the~~
29 ~~Ralph Civil Rights Act of 1976.~~